

Attorney Docket # 5151-21PUS

Express Mail #EV888647536US

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re National Phase PCT Application of

Thomas VOGLER et al.

Int'l PCT Serial No.: PCT/EP2005/001984

Int'l Filing Date:: 25 February 2005

For: Method for Analysing a Tissue Sample

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop **PCT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

S I R:

In compliance with the duty of disclosure under 37 C.F.R. § 1.56 and in accordance with the practice under 37 C.F.R. §§ 1.97 and 1.98, the Examiner's attention is directed to the documents listed on the enclosed Form PTO/SB/08A. Copies of the listed patent references are also enclosed. Copies of the listed non-patent references should have been sent to the PTO by the International Bureau.

The listed references were cited in the Search Report dated June 3, 2005 for the underlying International Application No. PCT/EP2005/001984, a copy of which is enclosed.

In accordance with 37 C.F.R §§1.97(g) and (h), the filing of this Information Disclosure Statement should not be construed as a representation that a search has been made or that information cited is, or is considered to be, material to patentability as defined in §1.56(b), or that any cited document listed or attached is (or constitutes) prior art. Unless otherwise

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indicated, the date of publication indicated for an item is taken from the face of the item and Applicant reserve the right to prove that the date of publication is in fact different.

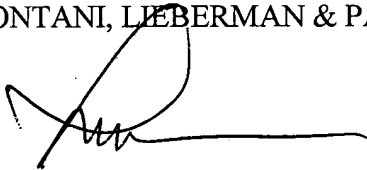
It is respectfully requested that the above information be considered by the Examiner and that the copy of the enclosed Form PTO/SB/08A be returned indicating that such information has been considered.

If any fees or charges are deemed required at this time in connection with the application, the same may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

COHEN, PONTANI, LIEBERMAN & PAVANE LLP

By

  
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Dated: August 28, 2006

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Substitute for Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		<i>Complete if Known</i>	
		Application Number	Not Yet Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Thomas VOGLER
		Art Unit	--
		Examiner Name	--
Sheet 1 of 2	Attorney Docket Number	5151-21PUS	

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind-Code <sup>2</sup> (if known)			
		US-5,533,342	07-09-1996	Gordon	
		US-2002/0076724	06-20-2002	Finkelstein et al.	
		US-2003/0049701	03-13-2003	Muraca	
		US-2003/0186248	10-02-2003	Erlander et al.	
		US-6,673,086	01-06-2004	Hofmeier et al.	
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FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> -Kind-Code <sup>5</sup> (if known)				
		EP 1 967 374	01-10-2001	Eppendorf AG		✓, See U.S. 6,673,086

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.  
 This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.  
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Substitute for Form 1449/PTO		<b>Complete if Known</b> 40/590927	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)		Application Number	Not Yet Assigned
		Filing Date	Concurrently Herewith
		First Named Inventor	Thomas VOGLER
		Art Unit	--
		Examiner Name	--
Sheet 2 of 2	Attorney Docket Number	5151-21PUS	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Sgrot D C et al., "In Vivo Gene Expression Profile Analysis of Human Breast Cancer Progression", Cancer Research, American Association for Cancer Research, Bd. 59, Nr. 22, November 15, 1999	
		Kitahara O et al., "Alterations of Gene Expression During Colorectal Carcinogenesis Revealed By CDNA Microarragys after Laser-Capture Microdissection of Tumor Tissues and Normal Epithelia", Cancer Research, American Association for Cancer Research, Bd. 61, Nr. 9, 1, May 1, 2001	
		Lakhani S R et al., "Microarray and Histopathological Analysis of Tumours: the Future and the past?", Nature Reviews. Cancer., Bd. 1, Nr. 2, November 2001	
		Search Report dated June 3, 2005 for the underlying International Application No. PCT/EP2005/001984	

Examiner Signature		Date Considered	
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